

REMARKS

Responsive to the Office Action mailed August 19, 2011, which was made final, Applicants respectfully request entry of these amendments and remarks, which are being submitted in conjunction with a Request for Continued Examination (RCE), and earnestly request reconsideration and allowance of the application.

Status of the claims

The Office Action reports examination of claims 1-21 as originally filed.

Claims 1-12 and 15-20 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Beigel et al., U.S. Pub. No. 2003/0174049 A1 (hereinafter "Beigel").

Claims 13, 14, and 21 are indicated as containing allowable subject matter.

Claim amendments

The reference numbers are removed throughout the claims. It is respectfully submitted that the removal of the reference numbers does not alter the scope of the claims. See MPEP § 608.01(m) ("The use of reference characters is to be considered as having no effect on the scope of the claims.").

Dependent **claims 13 and 14**, each of which is indicated as containing allowable subject matter, have been placed into independent form including all limitations of base claim 1. **Claim 1** is canceled and claims originally dependent from claim 1 are placed off newly independent claim 14. New **claims 22 and 23** parallel original dependent claims 2 and 3 but are placed off newly independent claim 13.

Claim 16 is placed into independent form including the limitations of base claim 15, and is further recast to remove the means+function language. Support for the recitation of a computer in amended claim 16 is found in the original specification at least at page 5 lines 1-5.

Claims 15 is canceled, and remaining dependent tracking system claims 17-21 are placed off newly independent claim 16 and recast for consistency with claim 16.

Formal comment on Beigel

Beigel published September 18, 2003. The present application claims priority to U.S. Provisional No. 60/619,117 published March 31, 2004 and to U.S. Provisional No. 60/619,117 published October 15, 2004. In view of these dates, it is respectfully submitted that Beigel does not qualify as prior art under 35 U.S.C. § 102(b) for any claim wholly supported by U.S. Provisional No. 60/619,117.

**The claims present patentable subject matter
and should be allowed**

Claim 13, which is indicated as containing allowable subject matter, is placed into independent form including all limitations of base claim 1. Accordingly, Applicants urge allowance of claim 13 and claims 22 and 23 depending therefrom.

Claim 14, which is indicated as containing allowable subject matter, is placed into independent form including all limitations of base claim 1. Accordingly, Applicants urge allowance of claim 13 and claims 2-12 depending therefrom.

Claim 16 recites a tracking system for tracking a local wireless device in a medical facility having a medical facility network. Local non-network wireless communication hardware components are installed on the local wireless device and on at least one nearby network device that is connected with the medical facility network. The local non-network wireless communication hardware components are configured for detecting the local wireless device, which is not connected with the medical facility network, based on local wireless communication between the local wireless device and the at least one nearby network device that is connected with the medical facility network. The at least one nearby network device is part of a plurality of network devices that are connected with the medical facility network. At least some of the plurality of network devices are wireless network devices wirelessly connected with the medical facility network. A computer is configured to track locations of the wireless network devices and to estimate a location of the local wireless device within the medical facility based on the local wireless communication and the location of the at least one nearby network device.

In rejecting claim 16, the Office Action cites Beigel ¶[0039], proposing that this paragraph discloses determining locations of a plurality of master nodes that are connected with the medical facility network. Office Action page 3. Applicants respectfully traverse.

Beigel does not disclose *determining* locations of the master nodes (202, 204, 206) of Fig. 5. Rather, the locations of these nodes appears to be *a priori* knowledge.

Moreover, Beigel does not *fairly suggest* determining locations of the master nodes (202, 204, 206) of Fig. 5. This is because there is *no fair suggestion* in Beigel that these locations are *mobile*. Beigel describes an illustrative master node (140) at ¶[0037] with citation to Fig. 3. The network connection is provided by the network connectivity component (146) of the master node (140), which communicates with the LAN or Internet (150). More particularly, as described at ¶[0037] the network may be a local area network (LAN), a wide area network (WAN), a storage area network (SAN), the World Wide Web or Internet, or other public or private network. Such connections can suitably be made using *wired* network connections (e.g., wired Ethernet). Applicants do not find in Beigel any fair suggestion that the master nodes are mobile. Rather, they appear to be located at fixed locations.

This is reinforced by Beigel's description of the tracking system, which is:

a system having multiple master nodes in a hospital area 200. M number of master nodes 180, 186, 190 are distributed in the hospital area 200, preferably in a manner so that the effective range of each master node either overlaps or is contiguous with that of another master node. Thus, FIG. 5 illustrates an example of a hospital area 200 having M master node locations 202, 204, 206. The circles around each master node represent the effective range of wireless communication with the master node.

Beigel ¶[0039] (underscore added).

Review of Beigel Fig. 5 shows that the nodes (202, 204, 206) are indeed precisely placed in order to ensure that the effective range of each node is contiguous with that of the next-neighboring node:

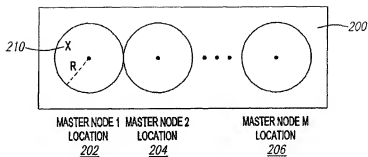


FIG. 5

It will be readily appreciated that such care in placement of the various master nodes throughout the hospital in order to ensure contiguous or overlapping coverage would be completely thwarted if those nodes were *mobile*, and could move away from their designated positions. A fair reading of Beigel is that the master nodes are *stationary*, with their locations throughout the hospital carefully chosen *a priori* in order to ensure contiguous or overlapping coverage. The tracking described in Beigel ¶[0039] relies upon these predetermined stationary positions, which are known *a priori*, and so there is no motivation to determine the positions of the nodes as part of the tracking.

Claim 16, on the other hand, recites a tracking system that can accommodate *wireless* network devices that may in general be mobile. Claim 16 recites a computer configured to *track locations of the wireless network devices* and to estimate a location of the local wireless device within the medical facility based on the local wireless communication and the location of the at least one nearby network device. Nothing in Beigel fairly suggests these recitations.

Applicability of the foregoing comments to dependent claims 2, 3, 22, and 23 should be readily apparent.

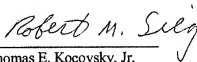
In view of the foregoing claim amendments and remarks, Applicants urge that claims 2-14 and 16-23 as set forth herein be reconsidered and allowed.

CONCLUSION

Allowance of the application including claims 2-14 and 16-23 as set forth herein is earnestly requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,



Thomas E. Kocovsky, Jr.
Registration No. 28,383

Robert M. Sieg
Registration No. 54,446

FAY SHARPE LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115-1843
Telephone: 216.363.9000 (main)
Telephone: 216.363.9122 (direct)
Facsimile: 216.363.9001
E-Mail: tkocovsky@faysharpe.com